

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)	MDL No. 1456 Master File No. 01-12257-PBS
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO: State of California, ex rel. Ven-A-Care v. Abbott Laboratories, et al. 01-cv-12257-PBS and 03-cv-11226-PBS)	
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STATE OF CALIFORNIA'S MOTION
TO FILE UNDER SEAL

The State of California ("California"), through its undersigned counsel, moves pursuant to Local Rule 7.2 and California government Code Section 12652(c)(2)-(5) to file under seal and to impound until further order of this Court: Stipulation and Proposed Order to Extend Seal of Relator's First Amended Complaint in Intervention as to certain specific defendants. California moves on the following grounds:

1. This is a *qui tam* action brought by the Relator, Ven-A-Care of the Florida Keys, Inc., a Florida corporation, pursuant to the California False Claims Act (California Gov. Code § 12652).
2. Pursuant to the California False Claims Act, the relator's complaint a *qui tam* action must be filed in camera and remain under seal until the Attorney General determines that he will intervene or until further order of the court. California Gov. Code § 12652(c)(2). During this period, defendants are not served with summonses or required to respond.


3. On August 25, 2005, the State of California elected to intervene as to particular defendants and causes of action, and filed its First Amended Complaint in Intervention. The State did not elect to intervene as to all defendants named in the Qui Tam Plaintiffs' original or First Amended Complaint.

4. Among those kept under seal were the defendants which are now the subject of the instant Stipulation and request to file under seal. The State of California requests that the Stipulation filed concurrently with this motion be kept under seal as to the defendants named therein, since settlement discussions are being finalized.

WHEREFORE, California prays that this Court order that the Stipulation described in the first paragraph be filed under seal and remain impounded until further order of this Court.

Dated: January 27, 2006

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**Attorneys for Plaintiff
STATE OF CALIFORNIA**

CERTIFICATE OF SERVICE

I hereby certify that I, John P. Fisher, Deputy Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse, for the State of California, certify that this **STATE OF CALIFORNIA'S MOTION TO FILE UNDER SEAL** document filed through the ECF system, will be sent electronically to the registered participants/counsel of record pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to LexisNexis File and Serve for posting and notification to all parties. Paper copies will be sent to those indicated as non registered participants on January 27, 2006.



JOHN P. FISHER
Deputy Attorney General